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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 11, 2004

Name of Person Mailing: Joan Mazzeo

Signature: *Joan Mazzeo*

Date: August 11, 2004

PATENTS

Attorney Docket No. 01-0157-CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Elzein et al.)	Examiner: not assigned
)	
Serial No. 10/722,702)	Group Art Unit 1623
)	
Filed: November 25, 2003)	

For: ADENOSINE RECEPTOR A3 AGONISTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submission of Replacement Declaration and Power of Attorney

Enclosed please find one (1) replacement Declaration and Power of Attorney in support of the above-referenced patent application. Should there be any questions regarding this submission of this document, please contact the undersigned attorney at (650) 384-8755.

Respectfully submitted,

J. Elin Hartrum
J. Elin Hartrum
Attorney for Applicants
Reg. No. 43,663

August 11, 2004
Date



**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR CONTINUATION-IN-PART PATENT APPLICATION**

I, THE FOLLOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Adenosine A3 Receptor Agonists, the patent application on which:

☐ is attached hereto.

☒ was filed on 25-Nov-2003 and assigned Serial No. 10/722,702.

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) it refutes, or is inconsistent with, a position the applicant takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than one year prior to this application.

I hereby claim the benefit under Title 35, United States Code § 120 of any patent application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56(a) and (b) set forth above which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date	Status (patented, pending, abandoned)
10/212,896	05-Aug-2002	Abandoned

I hereby appoint the following attorneys and agents to prosecute that application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute, and to transact all business in connection with all patent applications directed to the invention:

Brian Lewis, Reg. No. 32,502
 Pauline Clarke, Reg. No. 29,783
 J. Elin Hartrum, Reg. No. 43,663
 CUSTOMER NO. 27716

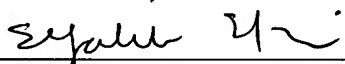
Address all correspondence and telephone calls to Brian Lewis, Registration No. 32,502, at:

CV Therapeutics, Inc.
Patent Group
3172 Porter Drive
Palo Alto, CA 94304
(650) 384-8500 Telephone
(650) 475-0359 Facsimile

This appointment, including the right to delegate this appointment, shall also apply to the same extent to any proceedings established by the Patent Cooperation Treaty.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Elfatih Elzein

Inventor's signature  Date: 4/15/04
Residence: 4644 Creekwood Drive Fremont, California 94555
Citizenship: Sudan
Post Office Address: 4644 Creekwood Drive Fremont, California 94555

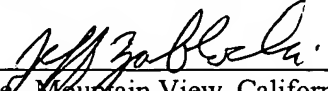
Full name of second joint inventor: Venkata Palle

Inventor's signature _____ Date: _____
Residence: D-011, Oakwood Estate, Akash Neem Marg, DLF, Phase II, Gurgaon, India 122001
Citizenship: United States
Post Office Address: D-011, Oakwood Estate, Akash Neem Marg, DLF, Phase II, Gurgaon, India 122001

Full name of third joint inventor: Vaibhav Varkhedkar

Inventor's signature _____ Date: _____
Residence: 7655 Palmilla Drive, #4405, San Diego, California 92122
Citizenship: India
Post Office Address: 7655 Palmilla Drive, #4405, San Diego, California 92122

Full name of fourth joint inventor: Jeff Zablocki

Inventor's signature:  Date: 4-27-04
Residence: 580 Sleeper Ave., Mountain View, California 94040
Citizenship: United States of America
Post Office Address: 580 Sleeper Ave., Mountain View, California 94040

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Full name of first joint inventor: Elfatih Elzein

Inventor's signature _____ Date: _____

Residence: 4644 Creekwood Drive Fremont, California 94555

Citizenship: Sudan

Post Office Address: 4644 Creekwood Drive Fremont, California 94555

Full name of second joint inventor: Venkata Palle

Inventor's signature _____ Date: _____

Residence: D-011, Oakwood Estate, Akash Neem Marg, DLF, Phase II, Gurgaon, India 122001

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Full name of third joint inventor: Vaibhav Varkhedkar

Inventor's signature V. M. Varkhedkar Date: 05/18/04

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Full name of fourth joint inventor: Jeff Zablocki

Inventor's signature: _____ Date: _____

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Full name of first joint inventor: Elfatih Elzein

Inventor's signature _____ Date: _____
Residence: 4644 Creekwood Drive Fremont, California 94555
Citizenship: Sudan
Post Office Address: 4644 Creekwood Drive Fremont, California 94555

Full name of second joint inventor: Venkata Palle

Inventor's signature *V.P. Palle* Date: April 27, 2004
Residence: D-011, Oakwood Estate, Akash Neem Marg, DLF, Phase II, Gurgaon, India 122001
Citizenship: United States
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Full name of third joint inventor: Vaibhav Varkhedkar

Inventor's signature _____ Date: _____
Residence: 7655 Palmilla Drive, #4405, San Diego, California 92122
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Full name of fourth joint inventor: Jeff Zablocki

Inventor's signature _____ Date: _____
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Citizenship: United States of America
Post Office Address: 580 Sleeper Ave., Mountain View, California 94040